

REMARKS/ARGUMENTS

Claims 1-13 remain in this application. The following issues are outstanding in the Office Action dated June 18, 2003:

- Restriction to one of the following inventions is required under 35 U.S.C. § 121:
 - o I. Claims 1-8, drawn to a foam pad with means for phototherapy, classified in class 606, subclass 2.
 - o II. Claims 9-13, drawn to a device for enabling vacuum therapy, classified in class 601, subclass 6.

Applicant respectfully traverses the restriction requirement, and in light of the following remarks requests reconsideration and withdrawal thereof. However, in the event the Examiner maintains the restriction requirement, Applicant hereby elects Invention I, described in claims 1-8, drawn to a foam pad with means of phototherapy.

The Examiner has indicated that Inventions I and II are related as subcombinations disclosed as usable together in a single combination. Further, the Examiner has indicated that Invention II has separate utility such as providing conventional vacuum therapy.

Amendments to claims to overcome restriction requirement

Applicant has amended claim 9 so that it is now dependent on claim 1. As such, claim 9 as currently amended, cannot be said to be separately usable from Invention I, as it incorporated all of the limitations of Invention I as defined in claim 1. Applicant requests inclusion of claim 9 within Invention I.

SUMMARY

In response to the Restriction Requirement, Applicant hereby elects Invention I covered by Claims 1 through 8 inclusive, drawn to a foam pad with means for providing phototherapy. Claims 9 and 13 as amended are generic to the elected claims, and therefore Applicant respectfully traverses the election requirement as to these claims, as well as to claims 10-12.

Applicant's election is made without prejudice. No amendment of inventorship is required as all named inventors are inventors in at least one claim remaining in the application.

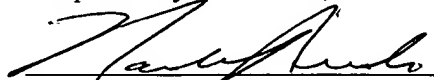
Although Applicant has elected Invention I, said election is made solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals (PBG), 65 Fed. Reg. 54603 (September 8, 2000), and not to narrow the scope of any of the claims.

In view of the above, it is submitted that the claims are now in condition for allowance. Reconsideration and withdrawal of the election requirement is hereby respectfully requested. Allowance of Claims 1-13 at an early date is solicited. In the alternative, allowance of claims 1-9 at an early date is solicited.

If upon consideration of the above, the Examiner should feel that outstanding issues remain in the present application that could be resolved, the Examiner is invited to contact the undersigned at the telephone number indicated to discuss resolution of such issues.

Applicant respectfully requests favorable consideration.

Respectfully submitted,



Nadeem G. Bridi

Reg. No. 42,361

Attorney for the Applicant

TEL: (210) 255-4543
FAX: (210) 255-4440